

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

RONALD DEVONE BALCOM, #158 439,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:19-CV-81-WHA
)	[WO]
DONALD VALENZA, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION and ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. 7), and Plaintiff Ronald Balcom's Objection thereto (Doc. 10). Upon consideration of the Recommendation, the Objection to the Recommendation, and upon an independent review of the file, the court finds the Objection to be without merit and due to be overruled.

Balcom is an inmate incarcerated at the Houston County Jail in Dothan, Alabama, who files this 42 U.S.C. § 1983 action challenging a denial of adequate medical care at the jail. In his Recommendation, the Magistrate Judge recommended Balcom's complaint against Defendant Jefferson Dunn be dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii). The Magistrate Judge determined that Defendant Dunn, as Commissioner of the Alabama Department of Corrections, is not involved in the operations of the county jail, including its provision of medical care to inmates, and that Balcom could not hold Defendant Dunn liable based on *respondeat superior*. Balcom objects arguing in conclusory fashion that Defendant Dunn: (1) is responsible for providing him with medical care and treatment; (2) is responsible for the conditions and operation of the jail; and (3) has direct knowledge of civil rights violations committed by the county defendants. Doc. 7.

This court agrees that the determination that Balcom's claims against Defendant Dunn are subject to dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii) is supported by the findings and conclusions made in the Recommendation of the Magistrate Judge.

Accordingly, it is hereby ORDERED as follows:

1. Plaintiff's Objection (Doc. 10) is OVERRULED.
2. The Recommendation of the Magistrate Judge (Doc. 7) is ADOPTED.
3. Plaintiff's § 1983 claims against Defendant Jefferson Dunn are DISMISSED prior to service of process under 28 U.S.C. § 1915(e)(2)(B)(ii).
4. Defendant Jefferson Dunn is TERMINATED as a party to this complaint.

The Clerk of the Court is DIRECTED to enter this document on the civil docket as a final judgment as to Defendant Jefferson Dunn pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is not closed and is referred to the United States Magistrate Judge for further proceedings.

Done, this 15th day of March 2019.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE